

REMARKS

Status of Claims

Claims 13-25 are currently pending in the application, of which claims 13 and 18 are independent claims. In view of the following Remarks, Applicants respectfully request reconsideration for the reasons discussed below.

Interview Summary

In an interview between the undersigned and Examiner Toomer on October 16, 2008, Examiner Toomer confirmed that present outstanding Office Action is a non final office action.

Specification

The Office Action indicates that the specification is required to be amended to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. In particular the Office Action indicates that the temperature range of between about 300 and 700 C finds support in unpublished application 09/453,729.

Applicant respectfully submits that the temperature range of between about 300 and 700 C finds support in the present application as originally filed. For example, the specification at page 3, line 23 to page 4, line 3 recites:

“heating a coal particulate of preferably small i.e., less than about $\frac{1}{4}$ inch particle size in a “mold” and under a non-oxidizing atmosphere at a heat up rate of from about 1 to about 20°C to a temperature of between about 300 and about 700°C. . . .”

Accordingly since the temperature range of between about 300 and about 700°C is found in the present application, Applicant respectfully submits that an amendment to the specification is not required.

Rejection under 35 U.S.C. § 112, first paragraph – Written Description

Claims 13-17 and 25 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. In particular, the Office Action indicates that the originally filed application does not support heating swellable particulate coal to a temperature between about 300 C and about 700 C.

Applicant respectfully submits that the originally filed application supports heating swellable particulate coal to a temperature between about 300 C and about 700 C. As discussed above, the specification at page 3, line 23 to page 4, line 3 recites:

“heating a coal particulate of preferably small i.e., less than about ¼ inch particle size in a “mold” and under a non-oxidizing atmosphere at a heat up rate of from about 1 to about 20°C to a temperature of between about 300 and about 700°C. . . .”

Since the temperature range of between about 300 and about 700°C is found in the present application, Applicants respectfully submit that the language in claim 13 of “heating swellable particulate coal to a temperature between about 300°C and about 700°C” complies with 35 U.S.C. § 112, first paragraph. Applicants respectfully request withdrawal of the 35 U.S.C. § 112, first paragraph rejection for claims 13-17 and 25.

Allowable Subject Matter

Applicant appreciates that indication that claims 18-24 are allowable over the prior art.

Extension of Time

Applicants believe that a three-month extension of time is required at this time. If further extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. §1.136(a). Applicants believe that no further fees for net addition of claims are required at this time. Any fees required for extensions of time and any fees for the net addition of claims are hereby authorized to be charged to Deposit Account No. 503310.

Conclusion

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Should the Examiner feel that there are any issues outstanding after consideration of this Reply, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution.

Respectfully submitted,



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